

REMARKS/ARGUMENTS

The present application includes claims 1-3 and 5-20. By this response, claims 1, 3, 10, 14, and 18, have been amended. Claim 4 was previously cancelled. The Applicants respectfully submit that no new matter has been added by these amendments.

Claims 1-3, 5-20 were rejected under 35 U.S.C. 103(a) as being anticipated by Strobel et al., U.S. Pat. No. 7,050, 844 B2 ("Strobel") in view of Filler et al., U.S. Published Application No. 2001/0051881 ("Filler").

The Applicants first turn to page 3 of the Final Office Action. Under the heading of Claim Rejections, the Action refers to 35 USC § 102. Further, paragraph 6 of the Action cites to 35 U.S.C. 102 and presents section 102(e) in its entirety. However, paragraph 7 of the Action states:

"Claims 1-3, 5-20 are rejected under 35 U.S.C. 103(a) as being anticipated by Strobel et al (US 7050844) in view of Filler et al (2001/0051881)."

In a telephone conversation on November 7, 2007 between Applicants' representative and Examiner, the Examiner cleared up the discrepancy and confirmed that the rejection of claims 1-3 and 5-20 were made under 35 U.S.C. § 103(a). Applicants will rely on this confirmation and address rejection of claims 1-3 and 5-20 35 under U.S.C. § 103(a).

The Applicants now turn to the amendment of claims 1, 3, 10, 14 and 18. Independent claim 1 has been amended to include "automatically and continuously displaying each image in said collected plurality of images in an image by image manner at an acceptable rate of speed to create an animation." Similarly, independent claim 10 has been amended to "automatically repeating said selecting, computing, projecting, and displaying steps to create an animation using an image by image sequential display through said series of 2D images."

Independent claim 18 has been amended to “create an animation by automatically and continuously presenting an image by image display.”

Dependent claims 3 and 14 have been amended to conform the amendments to claims from which they depend. The Applicants respectfully submit that no new matter has been added by these amendments.

The Applicants now turn to the rejection of claims 1-3 and 5-20 under 35 U.S.C. 103(a) as being unpatentable over Strobel et al. (US 7050844) in view of Filler (US Published Application 2001/0051881).

The Office Action states that “[w]hile Strobel meets a number of limitations of the claimed invention, as pointed out more fully above, Strobel does not specifically teach creating an animation by scrolling through the images. (Office Action, page 4).

Further, the Office Action states “[s]pecifically, Filler et al. teaches the use of a [] live medical record in figure 15 a composite screen 1500 that includes a navigational view that contains a navigation links 110 provide as a scroll bar 1506, wherein by selections through clicking or even just by passing the cursor over a particular selectable link can make regions light up or can drive a floating box, trigger animation, cause new windows to open showing additional data, or any other dynamic or static HTML action.” (Office Action, page 4).

Further, the Office Action states “[i]t would have been obvious to one off ordinary skill in the art to use animation by scrolling through the images in order [to] help [] make user interfaces more usable in Strobel presentation display in order the user can rely on an explicit overview of the whole system thus understanding and providing better visualization skills and positional information.” (Office Action, page 4).

Independent claim 1 has been amended to claim “automatically displaying each image in said collected plurality of images in an image by image manner at an acceptable rate of speed to create an animation.” Filler does not teach that the images are automatically displayed in an image by image manner. Rather, Filler teaches that the images are loaded, optionally as JPEG files into an HTML jacket which renders them accessible and manipulable through a web browser and by the use of HTML and available to an individual who is viewing the pages through their web browser. (Filler, page 6). Further Filler requires the end user to pass the cursor over a selectable link. (Filler, page 7). Filler does not teach that the plurality of images are automatically displayed in an image by image manner at an acceptable rate of speed to create an animation. Rather, Filler requires a user to move a cursor over a navigation tool to advance images in a manual manner to, at best, create an animation-like effect. By manually navigating through image by image, animation by Filler’s method does not teach the creation an acceptable animation process that can be usefully viewed in conjunction with instrument positioning. Further, by requiring manual image by image navigation, Filler does not teach the automatic image by image presentation at an acceptable rate of speed to produce animation. Therefore, Applicants submit that rather than automatically creating and displaying an animation by presenting image by image at an acceptable animation rate of speed, Filler merely teaches that a user can manually move through the data image by image.

Independent claim 10 has been amended to include “automatically repeating said selecting, computing, projecting, and displaying steps to create an animation using a sequential image by image presentation.” Filler, as explained above, does not teach automatically selecting, computing , projecting and displaying images to create an animation using a sequential image by

image display. Rather, as discussed above, Filler merely teaches that a user can manually move through the data image by image.

Independent claim 18 has been amended to create an animation by “automatically and continuously presenting an image by image display.” Filler does not teach creating an animation by automatically and continuously presenting an image by image display. Rather, as discussed above, Filler merely teaches that a user can manually move through the data image by image.

As claims stand amended, Applicants respectfully submit, that Filler does not teach the claimed features of independent claims 1, 10 , and 18. Further, the Applicants respectfully submit that the combination of Strobel and Filler would not make the claimed invention obvious to one of ordinary skill in the art at the time of the invention.

Claims 2-3 & 5-9; 11-17; and 19-20 depend from independent claims 1, 10, and 18, respectively. The Applicants respectfully submit that because claims 1, 10, and 18 should be allowed for at least the reasons discussed above, claims 2-3, 5-9, 11-17, and 19-20 should also be allowed.

CONCLUSION

In view of the above remarks, Applicants respectfully submit that claims 1-3 and 5-20 now pending in the application contain patentably distinct subject matter over all the references of record and are in condition for allowance. Applicants, therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of GTC, Account No. 070845.

Respectfully submitted,

Date: November 15, 2007

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